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Director's Office
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In re Application of :
NORWOOD, RODNEY EARL :
Application No. 10/005,391 : **DECISION ON PETITION**
Filed: December 5, 2001 :
Attorney Docket No. 7780/16 (P-00303) :

This is a decision on the Petition To Withdraw Holding Of Abandonment under 37CFR 1.181, received in the United States Patent & Trademark Office (USPTO) on December 7, 2005. Petitions received on March 3, 2006 and September 27, 2006 have also been considered.

The petition is **DISMISSED**. Any request for reconsideration of this decision, or as explained below, filing a petition seeking revival under 37 CFR § 1.137, must be filed within TWO (2) MONTHS from the mail date of this decision.

The above-identified application was held abandoned for applicant's failure to timely pay the issue fee, as required in the Notice of Allowance and Fee(s) Due mailed July 15, 2005. The Notice of Abandonment, mailed on November 29, 2005 indicates, "The submitted fee of \$1,400 is insufficient. A balance of \$300 is due for. The issue fee required by 37 CFR 1.18 is \$1,400. The publication fee, if required by 37 CFR 1.18(d) is \$300."

The Office acknowledges receipt of Part B – Fee(s) Transmittal on September 27, 2005, authorizing that the Issue Fee be charged to Deposit Account No. 50-1713. On September 28, 2005, when an attempt was made by the Office of Finance to charge the fees, there were insufficient funds in the Deposit Account.

37 CFR 1.25 (a) and (b), which states in part:

1.25(a) ...An amount sufficient to cover all fee, services, copies, etc., requested must always be on deposit. Charges to accounts with insufficient funds will not be accepted."

1.25 (b) ...An authorization to charge a fee to a deposit account will not be considered payment of the fee on the date the authorization to charge the fee is effective as to the particular fee to be charged unless sufficient funds are present in the account to cover the fee.

In light of the non-compliance with 37 CFR 1.25, the holding of abandonment cannot be withdrawn.


Applicant may seek relief by filing a petition for Revival of Abandoned Application under CFR § 1.137 (a) or (b). (Forms are available at USPTO website <http://www.uspto.gov>)

- Under 37 CFR 1.137(a), a petition for the revival of an *unavoidable* abandoned application
- Under 37 CFR 1.137(b), a petition for the revival of an *unintentionally* abandoned application

Further inquiries with respect to filing a petition under 37 CFR § 1.137 may be directed to the Office of Petitions at 571-272-3282 or addressed as follows:

By mail: Mail Stop Petitions
 Commissioner for Patents
 Office of Petitions
 P O Box 1450
 Alexandria, VA 22313-1450

Telephone inquiries concerning this decision matter may be directed to the undersigned at 703 308-9250 Ext. 163.


(en) Nina D. Motley
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